

Job Applicant Privacy Notice

Employer Details

St David's Children Society is a Registered Charity (Registration Number 509163) and a company limited by Guarantee (Registered Cardiff 1546688).

- **St David's Adoption Service** is the brand name of the St David's Children Society's adoption service.
- **St David's Fostering Service** is the brand name of the St David's Children Society's foster service.
- The **Association for Fostering and Adoption (AFA) Cymru** is the brand name of the St David's Children Society's advice, training, and consultancy service.

St David's Children Society is committed to protecting the privacy of all applicants for positions within the organisation. This statement explains how we use the information you share as an applicant and the ways in which we protect your privacy.

Under the Data Protection Act 1998 and the General Data Protection Regulation 2018 St David's Children Society is the '**data controller**' and is responsible for ensuring personal data held is used for the purposes set out in this notice.

Why do we collect your information?

As part of its recruitment process St David's Children Society collects and processes personal data relating to job applicants. The organisation is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

The organisation needs to process your data to enter into a contract with you. In some cases, we need to process data to ensure that it is complying with legal obligations. For example, we are required to check a successful applicant's eligibility to work in the UK.

What information do we collect?

We do not collect more information than we need to fulfil our stated purposes and will not keep it longer than necessary. The information we ask for is used to assess your suitability for employment.

The list below identifies the kind of data that we will process about you during the application process:

- personal contact details such as name, title, addresses, telephone numbers, and personal email addresses
- photograph
- gender
- references, education history and employment history
- evidence of qualifications or professional memberships
- documentation relating to your right to work in the UK
- national Insurance number
- copy of driving license
- whether or not you have a disability for which we need to make reasonable adjustments

during the recruitment process.

The following list identifies the kind of data that we will process and which falls within the scope of “special categories” of more sensitive personal information:

- information relating to your race or ethnicity, religious beliefs, sexual orientation, sex life and political opinions
- information about your health, including any medical conditions and disabilities;
- information about your salary
- information about criminal convictions and offences
- local authority checks

You will also be asked to provide equal opportunities information. This is not mandatory – if you don’t provide it, it won’t affect your application. We won’t make the information available to any staff outside our management team in a way that can identify you. Any information you provide will be used to produce and monitor equal opportunities statistics.

How do we collect information?

Your personal information is obtained through the application and recruitment process, For example, data might be contained in application forms, CVs or resumés, obtained from your passport or other identity documents, or collected through interviews or other forms of Assessment. Information may be given directly from candidates, via an employment agency or a third party who undertakes background checks. We may request further information from third parties including, but not limited to, reference from previous employers, credit reference agencies or other background check agencies applicable to the role.

Are we allowed to collect this information?

The organisation legal basis for processing your information is that it has a legitimate interest in processing personal data during the recruitment process and for keeping records of the process. Processing data from job applicants allows the organisation to manage the recruitment process, assess and confirm a candidate’s suitability for employment, and to decide to whom an offer of employment is made. The organisation may also need to process data from job applicants to respond to, and defend against, legal claims.

Personal Information

Occasionally, we may process personal information about you to pursue legitimate interests of our own or those of third parties, provided there is no good reason to protect your interests and your fundamental rights do not override those interests.

The circumstances in which we will process your personal information are listed below:

- making a decision about your recruitment or appointment
- making decisions about terms and conditions, salary and other benefits
- checking you are legally entitled to work in the UK
- assessing qualifications for a particular job or task
- education, training and development requirements
- complying with health and safety obligations
- preventing fraud
- in order to fulfill equal opportunity monitoring or reporting obligations

There may be more than one reason to validate the reason for processing your personal information.

Sensitive Information

The organisation may process special categories of data, such as information about protected characteristics, eg: ethnic origin, sexual orientation or religion or belief, to monitor recruitment statistics. We may also collect information about whether an applicant has a disability in order to make reasonable adjustments for those candidates. The organisation processes such information to carry out its obligations and exercise specific rights in relation to employment.

“Special categories” of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

- Explicit consent (9(2)(a))
- Employment, Social Security or Protection Law (9(2)(b))
- Vital Interests (9(2)(c))
- Legitimate Activities (9(2)(d))
- Legal Claims (9(2)(f))
- Substantial Public Interest (9(2)(g))
- Provision of Health and Social Care (9(2)(h))

Criminal Records

For all roles, the organisation is obliged to seek information about criminal convictions and offences. Where the organisation seeks this information, it does so because it is necessary for us to carry out our obligations and exercise specific rights in relation to employment. The organisation will not use your data for any purpose other than the recruitment exercise for which you have applied. We will only collect criminal convictions data where it is appropriate given the nature of your role and where the law permits us. This data will usually be collected at the recruitment stage, however, may also be collected during your engagement should you be successful.

We may process such information to protect yours, or someone else's, interests and you are not able to give your consent, or we may process such information in cases where you have already made the information public. Where we process information regarding criminal convictions, we will adhere to the guidelines currently in force regarding data security and data retention as determined by the appropriate governing body.

How is data used and who will see it?

Your data will be shared with individuals within the organisation where it is necessary for them to undertake their duties with regard to recruitment. This includes, for example, the HR department, those in the department where the vacancy is who are responsible for screening your application and interviewing you, the IT department.

It may be necessary for us to share your personal data with a third party or third-party service provider (including, but not limited to, contractors, agents or other associated/group companies) within, or outside of, the European Union (EU). Data sharing may arise due to a legal obligation, as part of the performance of a contract or in situations where there is another legitimate interest (including a legitimate interest of a third party) to do so.

For example;

- pension providers/administrators
- IT services
- legal advisors
- security
- insurance providers

Data may be shared with 3rd parties in the following circumstances:

- in relation to the maintenance support and/or hosting of data
- to adhere with a legal obligation
- in the process of obtaining advice and help in order to adhere with legal obligations.

If data is shared, we expect third parties to adhere and comply with the GDPR and protect any data of yours that they process. We do not permit any third parties to process personal data for their own reasons. Where they process your data it is for a specific purpose according to our instructions.

- We do not anticipate that we will transfer data to other countries.

If your application for employment is successful and we make you an offer of employment, then the organisation will share your data with former employers to obtain references for you. It may also share your data with employment background check providers to obtain necessary background checks, and the Disclosure and Barring Service to obtain necessary criminal records checks if applicable to the role.

How long do we keep your information?

We anticipate that we will retain your data as part of the recruitment process for no longer than is necessary for the purpose for which it was collected. We will keep your data for a **12 month period**.

At the end of the retention period or until we are no longer legally required to retain it, it will be reviewed and deleted, unless there is some special reason for keeping it.

Occasionally, we may continue to use data without further notice to you. This will only be the case where any such data is anonymised and you cannot be identified as being associated with that data.

If your application is successful, your data will be kept and transferred to the systems we administer for employees. We have a separate privacy notice for employees, workers and contractors which will be provided to you when applicable.

Keeping your data secure

As part of our commitment to protecting the security of any data we process, we have put the following measures in place:

- Electronic prospective employee/employee details, are only accessible by the HR department on a unique network drive and online database.
- Prospective Employee/Employees personnel records are securely locked away with access only available to authorised personnel.
- Manual processing records are stored in a lockable cabinet with access provided to authorised personnel

In addition, we have put further security measures in place to avoid data from being accessed, damaged, interfered with, lost, damaged, stolen or compromised. In cases of a breach, or suspected breach, of data security you will be informed, as will any appropriate regulator, in accordance with our legal obligations.

Any data that is shared with third parties is restricted to those who have a business need, in accordance with our guidance and in accordance with the duty of confidentiality.

Contacting us to access to personal data

We commit to ensure that any data we process is correct and up to date. It is your obligation to make us aware of any changes to your personal information.

In some situations, you may have the:

- **Right to be informed.** This means that we must tell you how we use your data, and this is the purpose of this privacy notice.
- **Right to request access.** You have the right to access the data that we hold on you. To do so, you should make a subject access request.
- **Right to request correction.** If any data that we hold about you is incomplete or inaccurate, you are able to require us to correct it.
- **Right to request erasure.** If you would like us to stop processing your data, you have the right to ask us to delete it from our systems where you believe there is no reason for us to continue processing it.
- **Right to object to the inclusion of any information.** In situations where we are relying on a legitimate interest (or those of a third party) you have the right to object to the way we use your data where we are using it.
- **Right to request the restriction of processing.** You have the right to ask us to stop the processing of data of your personal information. We will stop processing the data (whilst still holding it) until we have ensured that the data is correct.
- **Right to portability.** You may transfer the data that we hold on you for your own purposes.
- **Right to request the transfer.** You have the right to request the transfer of your personal information to another party.

If you wish to exercise any of the rights explained above, please contact info@stdavids.org.

Consequences of your failure to provide personal information

If you neglect to provide certain information when requested, it may affect our ability to enter into an employment contract with you, and it may prevent us from complying with our legal obligations.

Change of purpose for processing data

We commit to only process your personal information for the purposes for which it was collected, except where we reasonably consider that the reason for processing changes to another reason and that reason is consistent with the original basis for processing. Should we need to process personal information for another reason, we will inform you of this and advise you of the lawful basis upon which we will process.

In the event that you enter into an employment contract with us, any information already collected may be processed further in accordance with our data protection policy, a copy of which will be provided to you.

QUESTIONS OR COMPLAINTS

Should you have any questions regarding this statement, please contact info@stdavidscs.org. Your information will be shared with the stated contact in the application for a response.

The supervisory authority in the UK for data protection matters is the Information Commissioner (ICO). If you think your data protection rights have been breached in any way by us, you are able to make a complaint to the ICO.

Information Commissioner's Office – Wales
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Cardiff
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